REMARKS/ARGUMENTS

I. Introduction:

Claims 1, 8, 9, 10, and 13 are amended, claims 7, 11, and 12 are canceled, and claims 23-30 are added herein. With entry of this amendment, claims 1-6, 8-10, and 13-30 will be pending.

II. Specification:

The numeral character "106" on page 10, line 22 has been replaced with "104" to correct a typographical error as noted by the Examiner.

III. Claim Objections:

Claim 7, which was objected to in the Office Action dated January 2, 2004, has been canceled.

IV. Claim Rejections Under 35 U.S.C. 102 and 103:

Claims 1-4, 7, 8, 12-14, 16, 17, 19, and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,307,853 (Storch et al.).

Storch et al. disclose re-routing telephony communications traffic through a private branch exchange (PBX) to a data network. The telephony to data re-routing system (TDR) re-routes telephony communication over a WAN or a PSTN. As shown in Fig. 3, the TDR is coupled to a PBX which is configured to route telephony data to the TDR. The PBX can be configured to re-route calls based on the phone number entered or on a particular telephony condition. The TDR can also determine how to re-route calls. If the TDR determines that a particular call should be placed through the

PSTN, it re-directs the call back through the PBX to the PSTN. Routing rules stored on the TDR may be based on the phone number dialed. User default values may be used to determine if the call should be connected via the PSTN or the WAN.

Claim 1 is directed to a voice communication system configured for routing calls from multiple users to circuit switched or packet switched resources. The system generally comprises: a hub in communication with at least one circuit switched channel, at least one packet switched channel, and a plurality of user devices; a controller operable to select one of the circuit switched channel and the packet switched channel for connection with one of the user devices; and a routing device operable to route the call from the user device to the selected channel. Claim 1 has been amended to specify that the controller is operable to dynamically switch between the packet switched channel and the circuit switched channel and configured to switch a low priority call from the circuit switched channel to the packet switched channel so that the circuit switched channel is available for a high priority call.

As noted by the Examiner, Storch et al. do not disclose switching between packet switched and circuit switched channels. With respect to this limitation, the Examiner cited U.S. Patent No. 6,510,219 (Wellard et al.). Wellard et al. disclose an alternate network fallback for IP telephony. The routing is based on the quality of service (QoS) of the network. When the QOS of a call drops below a predetermined threshold, a switching device establishes a connection over an alternate network.

Neither Storch et al. nor Wellard et al. show or suggest a controller configured to switch a call from a circuit switched channel to a packet switched channel so that the circuit switched channel is available for a high priority call. Wellard et al. are concerned only with the QoS of the call. Storch et al. disclose the use of default values for users but do not disclose different priority levels for users or switching channels during a call. Since the system of Wellard et al. measures QoS of an individual call there is no reason to determine the status or compare two different calls on separate

channels. Applicants' invention is particularly advantageous in that it allows a low priority caller to be switched to a lower quality network so that a higher priority caller (e.g., high level personnel in an office) can have the higher quality network available when it is needed.

Accordingly, claim 1 is submitted as patentable over the prior art of record. Claims 2-6, 8-10, and 26-30, depending either directly or indirectly from claim 1, are submitted as patentable for the same reasons as claim 1.

New claims 26-28 are directed to details of the controller and are submitted over the prior art of record, which does not disclose a baseband controller coupled to a digital signal processor to provide a voice path and a broadband interface to provide a data path.

New claims 29 and 30 specify that the hub is interposed between the user devices and the packet switched and circuit switched networks. The TDR of Storch et al. is positioned between the user devices and PBX, thus requiring the re-routing of calls back through the TDR in order to use the PSTN.

Claim 13 is directed to a method of completing a voice connection and generally comprises: receiving a call request at a communication system coupled to at least two circuit switched channels and at least one packet switched channel; determining a priority of a user sending the request; and selecting one of the circuit switched channel and the packet switched channel to connect the call with a telephone network based on the priority of the user sending the request and the status of the circuit switched and packet switched channels; and establishing a voice channel with the telephone network over the selected channel.

As discussed above with respect to claim 1, the prior art of record does not show or suggest determining a priority of a user sending a request to establish a voice channel over a telephone network or selecting a channel based on the priority of the

user and the status of the channels. Importantly, a protocol of applicants' invention, as set forth in claim 13, allows one circuit switched channel to remain available if needed by a preferred user, while allowing all users access to the circuit switched channel if at least one channel is still available.

Accordingly, claim 13 is submitted as patentable over the prior art of record. Claims 14-25, depending either directly or indirectly from claim 13, are submitted as patentable for the same reasons as claim 13.

V. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue.

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Respectfully requested,

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